

REMARKS

Pending in the present application are claims 1-5, 7-11, 13 and 16-21 of which claims 1, 8 and 16 are independent. In the Office Action, claims 1-5, 7-11, 13 and 16-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heidingsfeld et al. (U.S. Pat. No. 6,823,359) in view of Meyer (U.S. Pat. No. 6,157,943). The Office Action stated that the declaration ("Third Declaration") by the inventor, Stephen C. Appling submitted with the Response filed January 16, 2008 failed to establish reduction to practice of Applicant's invention prior to the earliest priority date of Heidingsfeld et al. A Fourth Declaration of inventor Stephen C. Appling under 37 C.F.R. §1.131 is submitted herewith, which includes additional information that further supports reduction to practice of Applicant's invention prior to the earliest priority date of Heidingsfeld et al. The Fourth Declaration is discussed further below.

In response to previous Office Actions citing Heidingsfeld et al. and Meyer, two declarations by the inventor, Stephen C. Appling, and one declaration by Attorney Michael Pavento were submitted under 37 C.F.R. §1.131. The declarations by Mr. Appling and Mr. Pavento establish invention of the subject matter of the pending claims prior to the earliest filing date of Heidingsfeld et al. and reasonable diligence in preparing the present application for filing with the USPTO from a date just prior to the effective date of Heidingsfeld et al. until the filing of the present application. In spite of the declarations of both the Inventor and the Attorney responsible for final revisions and filing the present application, the Office Action of July 23, 2007 rejected the evidence submitted and maintained that the declarations did not show detailed proof as required under M.P.E.P. §2138.06. Therefore, the Third Declaration by the inventor Stephen C. Appling establishing conception and actual reduction to practice of Applicant's invention was submitted in response to the Office Action of July 23, 2007. The Third Declaration included three exhibits supported by the statements of the inventor, Stephen C. Appling, establishing work on Applicant's invention in January of 1999 and the demonstration of a working product, WebCTRL, at the AHR Expo in February of 2000. As established by the statements of the inventor, the WebCTRL product included an embodiment of the Applicant's invention that existed and operated as intended at the AHR Expo in February of 2000.

The Present Claims

Independent claim 1 recites a method for updating objects contained within a web page including:

1. displaying a web page;
2. creating a frame having a height of zero and a width of zero within the web page;
3. displaying outside the frame an updateable object within the web page,
4. configuring the frame to periodically request updated data from a server; and
5. configuring the frame to cause the updateable object to be updated in response to receiving the updated data such that updating the updateable object updates only a portion of the web page.

The updateable object corresponds to an HVAC system. The updated data comprises an instruction set for causing the frame to update the updateable object.

Claims 2-5 and 7 depend from independent claim 1, and include all of the limitations of that base claim.

Independent claim 8 recites a method for displaying on a webpage dynamically changing conditions within a building HVAC system. The method according to independent claim 8 includes receiving an indication of a first state of a condition, transmitting to a web browser a webpage including an invisible frame and an updateable object, periodically receive an indication of a second state of the condition, generating an instruction set for instructing the invisible frame to cause the updateable object to display the second state of the condition without refreshing the entire webpage, and transmitting the instruction set to the invisible frame for execution.

Claims 9-11 and 13 depend from independent claim 8, and include all of the limitations of that base claim.

Independent claim 16 recites a system for updating objects contained within a web page. The system according to independent claim 16 includes a communications device, a processor, a display device, and a webpage data file. The webpage data file includes computer-executable instructions for creating a webpage with a frame having a height of zero and a width of zero within the webpage, displaying outside the frame at least one updateable object within the web

page, configuring the frame to periodically request updated data from a server comprising an instruction set for causing the frame to update the at least one updateable object, and configuring the frame to cause the at least one updateable object to be updated such that only a portion of the web page is updated.

Claims 17-21 depend from independent claim 16, and include all of the limitations of that base claim.

Greenhouse

The Office Actions of April 8, 2008 and January 21, 2009 objected to the Third Declaration because Exhibit 1, the document entitled “Greenhouse UI Architecture” (hereafter “Greenhouse”) stated that all components “need to be developed.” However, as detailed below, claimed features of the present invention had been reduced to practice at least as early as February of 2000 as evidenced by computer code that was contained within the WebCTRL product shown at the AHR Expo in Dallas, Texas on February 7 and 8 of 2000.

Section 3.1 of Greenhouse states:

“[a]ll of the graphics pages will contain **dynamic content which will be updated separately from the main page via a hidden (inline) frame that just evaluates JavaScript**. This **frame will be pointed at an expression evaluation servlet** that returns JavaScript. The **expressions** to be [sic] **should be read from a server side XML conditions file** associated with that graphics page.”

Greenhouse states “[a]lmost all of the **client side pages** will rely on an ALC JavaScript library ... [t]his will **allow us to do this in a cross browser way** if we decide to.” Response of January 16, 2008, Exhibit 1, §1. In other words, the document describes an application that includes client side pages that will run in a web browser and therefore discloses step 1 of claim 1, “displaying a web page.”

With regard to steps 2 and 3 of claim 1, Greenhouse also states that “[a]ll of the **graphics pages** will contain **dynamic content which will be updated** separately from the main page via **a hidden (inline) frame**.” *Id.* at §3.1. As described in the specification of the present application and as one of ordinary skill in the art would understand, creating a frame having a height of zero and width of zero is equivalent to “a hidden (inline) frame” as described in

Greenhouse. *See* Specification, p. 3 line 32 – p. 4 line 7 (“An IFRAME is an HTML element that allows webpage authors to insert a frame in the middle of a webpage. Thus, for example, an IFRAME may be inserted within a block of text ... [i]n an exemplary embodiment of the present invention, however, the IFRAME is not used for displaying content. Instead, the IFRAME **may be rendered invisible** within the main web browser window **by setting both its height and width attributes to a value of zero.**”). Pages including “dynamic content which will be updateable” described in Greenhouse is equivalent to the step of displaying updateable objects within the web page and because the frame has a height and width of zero and the objects are actually displayed they are necessarily outside of the frame as required by step 3 of claim 1.

With regard to steps 3 and 4 of claim 1, Greenhouse states that the inline frame is configured to “evaluate JavaScript” and that it is “**pointed at** an expression evaluation **servlet** that returns JavaScript.” Greenhouse also states that the “expressions ... should be read from a **server side XML conditions file.**” Finally, Greenhouse states that the dynamic content on the pages is “**updated separately from the main page via a hidden (inline) frame.**” Greenhouse therefore discloses that the frame is configured “to periodically request updated data from a server” by pointing the frame at a servlet that returns JavaScript from the server (i.e. server side XML file) to be evaluated by the frame. Greenhouse also discloses that the frame is configured “to cause the updateable object to be updated in response to receiving the updated data such that updating the updateable object updates only a portion of the web page” by describing that the dynamic content will be updated separately from the page on which it is displayed by the hidden IFRAME that is configured to receive the update data in JavaScript from a server side XML file.

The WebCTRL Product at the AHR Expo

The Office Actions next objected to the Third Declaration because the statements of the inventor related to the Exhibits 2 and 3 make “it unclear what exactly was disclosed at the [AHR] Expo” in February of 2000. Exhibit 2, as explained in the Third and Fourth Declarations, is an advertisement from the January 2000 ASHRAE Journal for the AHR Expo on February 7 and 8 of 2000. Exhibit 2 is therefore intended to show simply that an exposition called the “AHR Expo” did in fact occur in the year 2000 and the days on which it occurred were February 7 and 8. Exhibit

3 is an advertisement from the February 2000 ASHRAE Journal describing and showing the product, “WebCTRL”, that as the advertisement describes was to be demonstrated at the AHR Expo on February 7 and 8 of 2000. Exhibit 3 is therefore intended to show that Applicant’s produced a product named WebCTRL sometime before February of 2000 and advertised the upcoming demonstration of this new product at the AHR Expo on February 7 and 8.

The WebCTRL Code

The January 21, 2009 Office Action stated that “[i]t would be desirable to see the actual code, outline, and/or presentation of what was presented February 7 and 8 of 2000 at the AHR Expo” As requested, copies of selected portions of the code included with the WebCTRL product shown at the AHR Expo in February of 2000 are included with the Fourth Declaration of inventor Stephen C. Appling as Exhibits 4-15. *See also* Fourth Declaration of Stephen C. Appling, ¶¶ 11-22, 29. Exhibits 16-21 are screen shots of a version control code database that illustrate that the code documents of Exhibits 4-15 were last modified prior to the AHR Expo in February of 2000, thereby proving that the code underlying the reduction to practice of the present invention was in existence prior to the prior art date of Heidingsfeld et al. Fourth Declaration of Stephen C. Appling, ¶¶ 23-29, 40.

The statements of the inventor in the Fourth Declaration attest to the fact that the WebCTRL product was in fact demonstrated and did in fact operate as intended at the AHR Expo on February 7 and 8, 2000. The statements of the inventor in the Fourth Declaration go on to attest to the fact that the WebCTRL product included an embodiment of the invention claimed in the present application. Fourth Declaration of Stephen C. Appling, ¶ 8 (“Built into WebCTRL is an embodiment of the invention claimed in the ‘366 application. Specifically, WebCTRL includes the functions to dynamically update objects in a web page using an invisible frame configured to periodically request information, such as sensor readings from a component of a building HVAC system, from a server and update the object with the information requested from the server.”).

Furthermore, the Fourth Declaration provides a detailed explanation of how the appended code of the WebCTRL product embodied the invention as claimed in the ‘366 application. Fourth Declaration of Stephen C. Appling, ¶¶ 30-40. In particular, the code defines a

web page with on screen displays values, which was accomplished through the actual rendering of a value to HTML handled in a “widget” and through control that watched for changes to a “primitive” and set the value in the widget. Fourth Declaration of Stephen C. Appling, ¶¶ 33-39. The web page also defined invisible IFRAME elements, any of which correspond to a frame having a height of zero and a width of zero within the web page. Fourth Declaration of Stephen C. Appling, ¶¶ 31, 32 (“Stdheader.jsp included the three IFRAME elements used to communicate with the server without reloading the main web page. Notably, these IFRAMEs had both a height and width of “0”, which made them invisible in the web browser on that page.”). The code documents in Exhibits 4-15 establish how information was continually polled and updated to the invisible IFRAMEs, and then, through various operations that generate appropriate instruction sets, caused an object on a visible web page to be updated without being refreshed, meaning a frame was configured to periodically request updated data from a server and cause an updateable object outside that frame to be updated in response to receiving the updated data such that updating the updateable object updates only a portion of the web page. Fourth Declaration of Stephen C. Appling, ¶¶ 30-40 (“This entire chain caused a server side value change to be displayed on the main web page without refreshing it. Only the hidden IFRAME was updated.”).

Therefore, taken together, the Exhibits and the Fourth Declaration establish that Applicant’s WebCTRL product included an embodiment of the invention claimed in the present application was reduced to practice and demonstrated at least as early as February 7 and 8, 2000, which was before the prior art date of Heidingsfeld et al.

The Fourth Declaration of Stephen C. Appling submitted herewith establishes that the invention claimed in the present application was conceived and reduced to practice prior to the U.S. filing date of Heidingsfeld et al. Because the Fourth Declaration establishes that the claimed invention in this application was made prior to the November 21, 2000, Heidingsfeld et al. does not qualify as prior art under 35 U.S.C. § 103(a). Therefore, the rejections based upon Heidingsfeld et al. should be withdrawn. Notification to that effect is respectfully requested.

CONCLUSION

All of the pending claims are in condition for allowance. The Examiner is invited to contact the undersigned at the number below if doing so would in any way facilitate examination. The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any overpayments to Deposit Account No. 03-0835.

Respectfully submitted,

KINNEY & LANGE, P.A.

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